

**Missouri-Illinois Roof Systems, Inc. and United
Union of Roofers, Waterproofers and Allied
Workers Local No. 20. Case 17-CA-15419**

SUPPLEMENTAL DECISION AND ORDER

**BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH**

On August 21, 1992, the National Labor Relations Board issued a Decision and Order, inter alia, ordering Missouri-Illinois Roof Systems, Inc., to honor the terms of its collective-bargaining agreement by making required payments to various funds, to deduct dues from employees and remit them to the Charging Party Union and to its unit employees for expenses for failure to make the contractually required payments.¹

A controversy having arisen over the amounts due these employees on June 10, 1993, the Acting Regional Director for Region 17 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent has failed to file an answer.

By letter dated July 14, 1993, and served upon Respondent by both certified and regular mail, counsel for the General Counsel advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by July 21, 1993, summary judgment would be sought. The Respondent filed no answer.

On July 29, 1993, the General Counsel filed with the Board a Motion for Summary Judgment and for issuance of Board Supplemental Decision and Order, with exhibits attached. On August 6, 1993, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

¹ 308 NLRB No. 52.

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net back-pay due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent.

ORDER

The National Labor Relations Board orders that the Respondent, Missouri-Illinois Roof Systems, Inc., Kirkwood, Missouri, its officers, agents, successors, and assigns, shall make the payments described below, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987):

Local 20 Pension Fund	\$ 893.75
National Pension Fund	679.25
Health & Welfare Fund	1301.30
Apprenticeship Training Program Fund	100.10
Vacation-Savings Plan Fund	715.00
Union Dues	371.05

Dated, Washington, D.C.

September 10, 1993

James M. Stephens, Chairman

Dennis M. Devaney, Member

John Neil Raudabaugh, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD